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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,911	CROSSON, DANIEL	
	Examiner Thong H. Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-53 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. Claims 1-53 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Voit [2001/0006519 A1].

3. As per claim 1, Voit discloses a method for Internet protocol (IP) address selection, comprising the steps of:

assigning a single domain name to a set of server IP addresses corresponding to plural servers; receiving a request for the domain name from a client IP address; retrieving a set of IP routes linking the server IP addresses and the client IP address; selecting an IP route from the set of routes which meets predetermined criteria [Voit, a single domain name query, claim 15; a domain name server operationally connected to the public packet switched data network, said domain name server having means

capable of producing a selected plurality of at least two different Internet Protocol (IP) addresses or servers for use in establishing routing responsive to a single domain name address query based on predetermined criteria, claim 20, page 17].

4. As per claims 2,11 Voit discloses retrieving the set of IP routes from a cache database [Voit, database, 0111].
5. As per claims 3,12 Voit discloses retrieving the set of IP routes from an IP routes database [Voit, database, 0111].
6. As per claim 4, Voit discloses retrieving the set of IP routes from a set of routers using a BGP protocol as inherent feature of router.
7. As per claims 5,18 Voit discloses retrieving the set of IP routes from a set of routers using an SNMP protocol as inherent feature of Internet.
8. As per claim 6, Voit discloses retrieving the set of IP routes from a set of routers using a Telnet protocol as inherent feature of routers.
9. As per claim 7, Voit discloses selecting the IP route from the set which has a shortest AS path (Autonomous System) as inherent feature of routers.

10. As per claim 8, Voit discloses selecting the IP route from the set which has a lowest origin type as inherent feature of routers.
11. As per claim 9, Voit discloses selecting the IP route from the set which has a lowest MED (Multi-Exit-Disc) as inherent feature of routers.
12. As per claim 10, Voit discloses selecting the IP route from the set equal to a default IP address as inherent feature of routers.
13. As per claim 13, Voit discloses defining an enhanced address resource record, including a domain name, a list of corresponding servers and routers, router retrieval parameters, a default client/server IP route, and timeouts.
14. As per claim 14, Voit discloses transmitting an IP address from the set of server IP addresses which corresponds to the selected IP route as inherent feature of routers.
15. As per claim 25 contains the similar limitations set forth in claim 1. Therefore claim 25 is rejected for the same rationale set forth in claim 1.
16. As per claim 26, Voit discloses a cache database, coupled to the domain name server for storing previously selected IP routes [Voit, database, 0111].

17. As per claim 27, Voit discloses the IP routes database is for storing all of the IP routes [Voit, database includes routing control, 0111].

18. As per claim 28, Voit discloses a domain name system server includes an enhanced address resource record storing the single domain name, a list of the servers and routers, a set of router retrieval parameters, a default IP router; and the domain name system server accesses the retrieval parameters in order to select the IP routes [Voit, DNS, 0111].

19. As per claim 29, Voit discloses the client IP address corresponds to a client and the set of server IP addresses correspond to respective servers, wherein the set of IP routes comprises IP routes from the client to respective servers, and wherein selecting the IP route comprises selecting the IP route corresponding to the server that satisfies the predetermined criteria [Voit, claim 20 page 17].

20. As per claim 30, Voit discloses selecting the IP route to the server associated with a shortest path from the client [Voit router distributing packet with minimum cost, 0055].

21. As per claim 31, Voit discloses the assigning, receiving, retrieving, and selecting acts are performed by a domain name system (DNS) server [Voit, DNS, 0111].

22. As per claim 32, Voit discloses retrieving a set of IP routes where each IP route is defined by at least two IP addresses [Voit, claim 20 , page 17].

23. As per claim 33, Voit discloses prior to retrieving the set of IP routes, checking a database in a cache to find an IP route entry containing an IP route previously indicated as being a best IP route; and in response to finding the IP route entry in the cache, using the IP route previously indicated as being the best IP route as the selected IP route [Voit, database, 0111].

24. As per claim 34, Voit discloses retrieving the set of IP routes is performed from an IP routes database, and wherein retrieving the set of IP routes from the IP routes database is in response to determining that the IP route entry is not present in the cache [Voit, database, 0111].

25. As per claim 35, Voit discloses accessing a field in a record, the field to indicate one of plural techniques for downloading IP routes from routers to the DNS server; and based on the technique identified by the field, establish one or more sessions with the routers to download IP routes from the routers into an IP routes database in the DNS server, wherein retrieving the set of IP routes is performed from the IP routes database [Voit, DNS, database, 0111].

26. As per claim 36, Voit discloses establishing one or more Border Gateway Protocol (BGP) sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of BGP retrieval [Voit, router 0055].

27. As per claims 37, Voit discloses establishing one or more Simple Network Management Protocol (SNMP) sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of Management Information Base (MIB) retrieval as inherent feature of Internet.

28. As per claim 38, Voit discloses establishing one or more Telnet sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of Telnet retrieval [Voit, database, 0111; Internet 31, Fig 1].

29. As per claim 39, Voit discloses establishing one of plural different types of sessions corresponding to the one of plural techniques specified by the field to download IP routes from the routers into the IP routes database [Voit, database, 0111].

30. Claims 15-24;40-48 and 25-28,49-53 contain similar limitations set forth in claims 1-14,29-39. Therefore claims 15-28,40-53 are rejected for the same rationale set forth in claims 1-14,29-39.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

